

**MINUTES
OF THE REGULAR MEETING OF THE
EDINA CITY COUNCIL
HELD AT CITY HALL
JUNE 7, 2011
7:00 P.M.**

I. CALL TO ORDER

Mayor Hovland called the meeting to order at 7:02 p.m.

II. ROLL CALL

Answering rollcall were Members Bennett, Brindle, Sprague, Swenson and Mayor Hovland.

III. MEETING AGENDA APPROVED

Member Bennett made a motion, seconded by Member Brindle, approving the meeting agenda.

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

IV. CONSENT AGENDA ADOPTED

Member Swenson made a motion, seconded by Member Sprague, approving the consent agenda with the exception of Items IV.A., Approval of Minutes – Regular Meeting of May 17, 2011, Work Session of May 17, 2011 and Work Session Two of May 3, 2011; IV.H., Award of Bid Contract PW 11-1 – New Water Treatment Plant No. 6 (continued from May 17, 2011); IV.K, Engineering Proposal for Construction Phase Services for Water Treatment Plant No. 6; IV.M., Engineering Proposal for Bike Boulevard for Transit for Livable Communities; and, IV.N., Resolution 2011-67, Approving Second Amendment to Easement and Parking Ramp Agreement for Jerry's Parking Ramp, as follows:

~~IV.A. Approve regular and work session meeting minutes of May 17, 2011, and work session meeting minutes of May 3, 2011~~

IV.B. Review payment of the following claims as shown in detail on the Check Register dated May 19, 2011, and consisting of 29 pages; General Fund \$314,031.96; Communications Fund \$520.68; Police Special Revenue \$2,224.45; Working Capital Fund \$1,842.46; Equipment Replacement Fund \$170,860.95; Art Center Fund \$779.25; Golf Dome Fund \$11,197.15; Aquatic Center Fund \$8,000.27; Golf Course Fund \$22,410.48; Ice Arena Fund \$11,054.93; Edinborough/Centennial Lakes Fund \$10,857.00; Liquor Fund \$242,739.63; Utility Fund \$60,376.99; Recycling Fund \$38,820.60; PSTF Agency Fund \$3,270.18; Payroll Fund \$562.50; TOTAL \$899,549.48 and for approval of payment of claims dated May 26, 2011, and consisting of 34 pages; General Fund \$129,312.96; Communications Fund \$1,595.46; Police Special Revenue \$3,399.27; Working Capital Fund \$133,133.47; Equipment Replacement Fund \$134,031.55; Art Center Fund \$1,135.13; Golf Dome Fund \$156.57; Aquatic Center Fund \$19,997.78; Golf Course Fund \$15,066.00; Ice Arena Fund \$3,800.10; Edinborough/Centennial Lakes Fund \$11,006.70; Liquor Fund \$186,999.86; Utility Fund \$58,863.87; Storm Sewer Fund \$10,102.28; Recycling Fund \$32.69; PSTF Agency Fund \$7,353.73; Payroll Fund \$5,036.64; TOTAL \$721,024.06 and for approval of payment of claims dated June 2, 2011, and consisting of 26 pages; General Fund \$49,403.95; Communications Fund \$285.00; Police Special Revenue \$814.21; Working Capital Fund \$106,888.32; Equipment Replacement Fund \$5,431.40; Art Center Fund \$16,584.62; Golf Dome Fund \$2,765.00; Aquatic Center Fund

\$1,149.60; Golf Course Fund \$16,927.96; Ice Arena Fund \$1,081.09; Edinborough/Centennial Lakes Fund \$23,355.03; Liquor Fund \$130,923.86; Utility Fund \$17,656.48; Storm Sewer Fund \$7,974.03; PSTF Agency Fund \$4,759.15; Payroll Fund \$3,093.40; TOTAL \$389,093.10

- IV.C. Award of Bid Contract ENG 11-1 – West 69th Street Mill and Overlay, awarding the bid to the recommended low bidder, Bituminous Roadways, Inc. at \$105,788.00.
- IV.D. Award of Bid Contract ENG 11-3 – Normandale/Valley View Roads and Interlachen Boulevard Sidewalks, awarding the bid to the recommended low bidder, G.L. Contracting, Inc. at \$248,185.70.
- IV.E. Award of Bid Contract ENG 11-6 – Carson's Hill Neighborhood Reconstruction, awarding the bid to the recommended low bidder, Midwest Asphalt Corporation at \$1,758,163.00.
- IV.F. Award of Bid Contract ENG 11-7 – West 44th Street Improvements, awarding the bid to the recommended low bidder, Northwest Asphalt, Inc. at \$2,322,814.58.
- IV.G. Award of Bid Contract ENG 11-10 – Golf Terrace Neighborhood Reconstruction, awarding the bid to the recommended low bidder, Palda & Sons, Inc. at \$2,221,734.11.
- ~~IV.H. Award of Bid Contract PW 11-1 – New Water Treatment Plant No. 6 (continued from May 17, 2011)~~
- IV.I. Adopt Resolution No. 2011-64, Approving Cooperative Agreement Between the City of Bloomington and the City of Edina regarding Living Streets.
- IV.J. Adopt Resolution No. 2011-66 Approving Special Assessment Agreement with Galleria Shopping Center.
- ~~IV.K. Engineering Proposal for construction phase services for Water Treatment Plant No. 6~~
- IV.L. Approve Engineering Proposal for material testing for ENG 10-3 West 70th Street Improvements
- ~~IV.M. Engineering Proposal for Bike Boulevard for Transit for Livable Communities~~
- ~~IV.N. Resolution 2011-67, Approving Second Amendment to Easement and Parking Ramp Agreement for Jerry's parking ramp~~
- IV.O. Adopt Resolution 2011-65, Approving Cooperative Agreement with BCA.
- IV.P. Adopt Resolution No. 2011-53, Approving Joint Powers Agreement with City of Richfield regarding water service.
- IV.Q. Approve Engineering Proposal for Construction Phase Services for West 44th Street Improvements.

Rollcall:

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

ITEMS REMOVED FROM THE CONSENT AGENDA

IV.A. REGULAR AND WORK SESSION MEETING MINUTES OF MAY 17, 2011, AND WORK SESSION MEETING MINUTES OF MAY 3, 2011 – APPROVED AS AMENDED

Member Swenson made a motion, seconded by Member Sprague, correcting the regular meeting minutes of May 17, 2011, page seven, paragraph four, to add: "Member Swenson suggested a joint meeting with the Planning Commission to discuss how rooftop dining could potentially be phased in at a later date this fall."

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

Member Swenson made a motion, seconded by Member Sprague, approving the regular meeting minutes of May 17, 2011, as corrected, and the work session meeting minutes of May 17, 2011, and work session meeting minutes of May 3, 2011, as submitted.

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

**IV.H. AWARD OF BID CONTRACT PW 11-1 – NEW WATER TREATMENT PLANT NO. 6
(CONTINUED FROM MAY 17, 2011)**

IV.K. ENGINEERING PROPOSAL APPROVED FOR CONSTRUCTION PHASE SERVICES FOR WATER TREATMENT PLANT NO. 6

IV.N. RESOLUTION 2011-67 ADOPTED – APPROVING SECOND AMENDMENT TO EASEMENT AND PARKING RAMP AGREEMENT FOR JERRY’S PARKING RAMP

Director of Public Works/City Engineer Houle provided an overview of the water treatment plant construction project to be located in the lowest level of Jerry’s parking ramp that had been used to park maintenance equipment. He noted this project would eliminate the water treatment plant at 50th and Wooddale and combine treatment of four wells in the future. Staff noted the City had exclusive use of the lower level right-of-way easement, which would be acted on by the Housing and Redevelopment Authority at a later date. **Member Bennett made a motion, seconded by Member Sprague, approving award of Bid Contract PW 11-1, new Water Treatment Plant No. 6, to the recommended low bidder, Municipal Builders, Inc. at \$5,668,800.00; authorizing the Mayor and City Manager to execute the Professional Service Agreement with AECOM Technical Services; and, introduction and adoption of Resolution No. 2011-67, approving second amendment to Easement and Parking Ramp Agreement for Jerry’s parking ramp.**

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

IV.M. ENGINEERING PROPOSAL FOR BIKE BOULEVARD FOR TRANSIT FOR LIVABLE COMMUNITIES TABLED

Mr. Houle presented the request for design services for a bike boulevard, noting a \$250,000 federal grant had been received for this project’s infrastructure improvements. He stated staff had initially considered doing this project in-house, but determined the project was too involved. Mr. Houle explained that if an RFP process was required to use the grant for consulting services, this project would be delayed about a month and a half.

Steve Clark, Transit for Livable Communities (TLC), stated the grant award had been approved in 2009, and the TLC Board had hoped this project would get underway in 2009. He explained that a firm sunset date on the funding was not set, but the Board’s goal with all the projects was to get the very best outcome. For this reason, the Board was extremely patient with managing authorities. It was noted the goal of Congress when establishing this \$25 million pilot program was to change travel behavior to reduce reliance on vehicles. Mr. Clark stated the Board’s concern was that Edina’s proposed project had become more of a share-the-road approach to erect signs or place sharrows in the roadways, which may not be enough to change travel behavior.

With regard to funding consulting services from the grant, Mr. Clark explained that in 2009 the TLC allowed ten-percent of the total cost to be applied to engineering services. Since that time,

other jurisdictions have brought to the Board's attention that ten-percent was not enough because of the large and often controversial scope of the projects. Mr. Clark stated the Board had become more flexible with the percentage allowed to cover engineering costs. Mr. Clark indicated he did not think an RFP process would be required. The Board would prefer to complete a project in 2012 that served the interests of this community as a model rather than rush the process and get a project that was less than satisfactory. In addition, if the project constructed should deviate from the design that the grant had been based on, the project could lose funding.

The Council asked about the potential to receive an increased grant award if the project took more time to redesign and resulted in a groundbreaking and model project. Mr. Clark stated the Board would consider that request if convinced the project was an enhancement over the original submittal. In the case of Edina's project, Mr. Clark felt there was room for exploration to remove parking along Wooddale and place bike lanes so a stronger project could be created.

Mr. Houle indicated that the Bike Edina Task Force has seen the feasibility study and application; however, the public process and informational meetings remain to be held in late July/early August. With regard to the sunset date, Mr. Clark explained there was not a firm sunset date, but the award letter for all projects funded in 2009 indicated the projects must be completed or well underway by 2010. If a project did not have much forward movement, the Board may consider reprogramming those grant funds. The Board would want to know that Edina could complete a project where the grant investment resulted in a project meeting program goals.

The Council emphasized that this project had great value for Edina, noting the bikeway provided connectivity across the freeway with neighborhoods, and Southdale Center and a park with an outdoor pool. It was acknowledged there had been no visible progress as intended when the grant was given in 2009 and the design had been reduced to lane sharing and sharrows. Following discussion, the Council indicated its intent to move forward with the bicycle boulevard project, support the use of grant funds to pay for consulting services, and develop a showcase design so there was opportunity for additional grant funding.

Mr. Clark was asked for assurances that this project had value to, and the support of TLC. Mr. Clark stated he found the Council's commitment to the project to be reassuring. He indicated he was not convinced that an RFP process would be required, but TLC would want to assure a level of commitment by both the Public Works Department staff and the selected consultant to work with TLC to create the best design feasible and engage the public.

Mr. Houle recommended the Council consider a resolution stating its commitment to the bike boulevard project for submission to the TLC for its June board meeting. In addition, TLC could be asked for a written confirmation that an extension would be granted to the summer of 2012 to assure public participation and the development of a showcase bike trail design. **Member Swenson made a motion, seconded by Member Sprague, directing staff to prepare a resolution of support for the Transit for Livable Communities Grant bike boulevard project.**

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland
Motion carried.

Member Bennett made a motion, seconded by Member Swenson, tabling consideration of the proposal for design services for the Transit for Livable Communities Grant for a bike boulevard project.

Member Sprague made a motion amending the original motion, seconded by Member Swenson, to also direct staff to seek grant dollars to fund consulting services.

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion to amend carried.

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried as amended.

CITY ENGINEER'S COMMENTS

Mr. Houle reported that bids on the Council's agenda reflected a savings from the engineer's estimate ranging from four percent (roadway projects) up to fifteen percent. He added that fewer contractors were submitting bids and the bids were coming in closer to the engineer's estimates. The Council commended staff for its expertise and accuracy of estimating project costs.

V. SPECIAL RECOGNITIONS AND PRESENTATIONS

V.A. DOUG JOHNSON DAY IN EDINA PROCLAIMED

Mayor Hovland read in full a proclamation declaring "Doug Johnson Day" in Edina on June 11, 2011. **Member Bennett made a motion, seconded by Member Brindle, approving the proclamation declaring "Doug Johnson Day" in the City of Edina.**

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

Doug Johnson, former Edina Public Schools Director of Community Education Services & Community Relations, stated his appreciation for this honor and commented on the importance of working together. The Council and audience responded with a round of applause.

VI. COMMUNITY COMMENT

James Grotz, 5513 Park Place, addressed the Council regarding the Minnehaha Woods reconstruction project and concern that a larger water line would be required to obtain a future building permit.

VII. REPORTS/RECOMMENDATIONS

VII.A. REQUEST FOR MINOR CHANGES TO BUILDING – WATERS SENIOR HOUSING PROJECT – CONTINUED TO JUNE 21, 2011

Planning Director Teague presented the proposed changes to the building proposed for the Waters Senior Housing project to reduce the building by 28 feet, which would reduce the infrastructure cost and enable them to provide seven affordable units. The building modification would eliminate 36 of the 90 underground parking spaces. Twelve of these spaces were double spaces primarily used for car/boat storage. Of the 73 surface spaces, three would be lost, leaving 124 total parking spaces. Mr. Teague noted the preliminary plat approval had expired so the proponent must make a new application for consideration at public hearings by the Planning Commission and City Council. He explained that staff considered the proposed changes to be

minor; however, if the Council believed the changes were significant enough for further review, the proposal could be referred to the Planning Commission for an amendment to the site plan approval.

Jay Jensen, Waters Senior Living, confirmed that 28 feet of common area would be removed from the middle of the building to help fund the seven affordable housing units. Mr. Jensen stated the removal of the 28 feet of common area would not affect the operation of the project.

The Council discussed the threshold under which a revision would be considered a “minor change” and acknowledged e-mails asking that staff not be allowed to make this decision. The Council indicated that after study of the materials, it would support a two-week continuation to give the public an opportunity to submit written comment. The majority of the Council indicated the proposed revision would not meet the threshold of requiring a public hearing.

Member Bennett referenced Code Section 850.04, sub. 9, Changes to Approved Final Site Plan, and explained why she found the specificity of the code language allowed no other opportunity but to send this revision back to the Planning Commission for consideration and a public process. She noted the change resulted in a reduction in the building and also in parking. Member Bennett said the ordinance language does not reference whether the change involved a reduction or lessened intensity of the use.

The Council debated the issue and indicated the threshold for “minor change” would be addressed at the June 21, 2011, meeting. It was noted staff had determined, in its professional opinion, the requested change was minor and could be considered by staff or the Council without going through a public hearing process. The Council agreed that if its majority did not find the changes to be minor, the application would be remanded to the Planning Commission. It was acknowledged that the proponent stated that the proposal would be withdrawn if not approved as a minor change, and the project built as approved without any units designated affordable. The Council indicated this was “new ground”, so it preferred to err on the side of caution and obtain public comment prior to making a determination.

It was noted the Council’s policy was to consider the request if changes were made to the final plan. Mr. Teague stated this had been the policy for two years, that it had worked well, and he recommended the policy be codified into the ordinance. **Member Sprague made a motion, seconded by Member Swenson, to continue consideration of proposed changes to the Waters Senior Housing project to allow time to identify the impacted area, provide mailed notice that this item would be considered at the June 21, 2011, meeting, and request electronic comment.**

Ayes: Brindle, Sprague, Swenson, Hovland

Nays: Bennett

Motion carried.

VII.B. RESOLUTION NO. 2011-58 ADOPTED – ACCEPTING VARIOUS DONATIONS

Mayor Hovland explained that in order to comply with State Statutes; all donations to the City must be adopted by Resolution and approved by four favorable votes of the Council accepting the donations. **Member Brindle introduced and moved adoption of Resolution No. 2011-58 accepting various donations.** Member Bennett seconded the motion.

Rollcall:

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland
Motion carried.

VII.C. PARK BOARD REAPPOINTMENT APPROVED

Member Swenson made a motion, seconded by Member Bennett, approving Park Board reappointment of David Deeds with to a term expiring February 1, 2014.

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland
Motion carried.

VII.D. ORDINANCE NO. 2011-07 ADOPTED – PROHIBITING ROOFTOP DINING

Mr. Teague reviewed that at its May 17, 2011 meeting, the Council had directed staff to draft an ordinance that prohibited rooftop dining. It was noted that a Planning Commission work session would be scheduled to discuss rooftop restaurants and the Council's concerns related to such a use. The Council discussed a language revision to address podium or balcony dining. **Member Swenson made a motion, seconded by Member Sprague, to waive Second Reading adopting Ordinance No. 2011-07, amendment prohibiting rooftop restaurants in the City of Edina, as revised to indicate: "A restaurant or any portion of a restaurant open to customers, on the roof covering any part of the building or restaurant."**

Rollcall:

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland
Motion carried.

VII.E. ORDINANCE NO. 2011-10 ADOPTED – AMENDING SECTION 1509 TRANSPORTATION COMMISSION

Assistant City Engineer Sullivan presented revised Ordinance No. 2011-10 amending Section 1509 regarding the Edina Transportation Commission's (ETC) purpose and duties. He stated the ETC met on May 19, 2011, to discuss the Council's concerns expressed at its May 17, 2011, meeting relating to the potential process for capital improvement project review and citizen traffic complaint reports. Mr. Sullivan explained that a sample document would be drafted that could be attached to the ETC's bylaws to assure all understood the process and timeline. The Council indicated support for the amendment that provided structure for the ETC to be visionary and allow an opportunity to interact with issues raised that affect traffic. **Member Bennett made a motion, seconded by Member Brindle, to grant First and waive Second Reading adopting Ordinance No. 2011-10, amending the Edina City Code concerning the Transportation Commission.**

Rollcall:

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland
Motion carried.

VIII. CORRESPONDENCE AND PETITIONS – Mayor Hovland acknowledged the Council's receipt of various correspondence.

IX. MAYOR AND COUNCIL COMMENTS – Received

IX.A. FOURTH OF JULY PARADE – COMBINED ENTRY APPROVED

Member Sprague made a motion, seconded by Member Brindle, that the Council support a combined entry, to the extent possible, in the 2012 Fourth of July parade.

Ayes: Bennett, Brindle, Sprague, Hovland

Minutes/Edina City Council/June 7, 2011

Motion carried.

X. MANAGER'S COMMENTS – Received

XI. ADJOURNMENT

There being no further business on the Council Agenda, Mayor Hovland declared the meeting adjourned at 9:07 p.m.

Respectfully submitted,

Debra A. Mangen, City Clerk

Minutes approved by Edina City Council, June 21, 2011.

James B. Hovland, Mayor

Video Copy of the June 7, 2011, meeting available.